

REMARKS

Reconsideration of the above mentioned application is hereby requested in view of the above amendments and remarks which follow. The Applicants are appreciative of the Examiner's thorough consideration of the Response After Final and in the recognition of allowable subject matter. Namely, the Examiner has indicated that claims 3-9 and 14-21 are objected to, but would be allowable if rewritten in independent format.

The Examiner rejected claims 1-2 and 13 under 35 U.S.C. § 103(a) as being obvious over Lee (U.S. Patent 5,844,401) in combination with Wulff (U.S. Patent 7,299,373). Applicant respectfully urges that independent claims 1 and 13 as re-written are patentably distinguishable over this combination of references.

The Examiner indicated that as to claims 1 and 13, that Lee teaches a housing (3) having a battery receiving cavity, the cavity being profiled to receive at least a battery therein (Figure 3A); electrodes for contacting contacts on the battery for charging the battery (Col. 3, lines 39-41); a gripping member (71) movable between a locked and unlocked position, for gripping a battery placed within the cavity.

Applicants believe that U.S. Patent No. 5,844,401 shows a charging device as shown in Figures 3A and 3B, which may receive a battery 5 in order to charge the battery. The battery charging unit includes a locking member 7 which operates under the influence of a spring 8. The locking member 7 pivots about a point between the positions shown in Figures 3A and 3B. The battery charger includes a sliding part 6 having a projection 62 which is received in a projection groove 72 such that when the sliding part 6 is moved in the direction of the arrow (Figure 3B), the "projection groove 72 of locking member 7 makes contact with and cams with projection 62 of sliding part 6." This causes the locking member to rotate to the open position shown in Figure 3B. (Column 3, lines 50-51).

However, the Lee reference is similar to the prior art reference Taylor, used in the previous office actions. The Lee battery charger does not include an opening through the housing with a gripping member movable transversely into and out of the housing opening as required by claims 1 and 13. Nor is the gripping member operable by way of a cam member to grip the battery. Rather, the locking member 7 is spring loaded from the position shown in Figure 3B to the position shown in Figure 3A where a locking projection 71 is received in a locking groove 51 of the battery.

Due to this shortcoming of Lee, the Examiner has found a reference Wulff, which shows a first unit 12 having a battery house 14 having a multi-stage release assembly for detaching battery 10 in a controlled manner. The first catch and latch mechanism includes a pair of buttons 20 which are made from the same material as the housing and further include a flex spring sheet mechanism (not shown) which is attached to an interior of the battery housing. The flex spring sheet mechanism is intended to engage a projection on the battery. The specification quoted by the Examiner is that the "buttons 20 can also include cams or wheels rotating on a shaft, at their ends that can deflect the flex spring sheet causing the release or engagement of the projection on the battery unit 10". Unfortunately, Wulff shows none of this detail, however Applicants believe that the spring steel flex mechanism would be a cantilever beam style member which is moved with the assistance of the buttons 20. What is clear is that the spring steel flex member engages latches or projections on the battery housing itself.

In the present disclosure, Applicants do not require or utilize projections on the battery housing or the device itself for retention within the battery charger. Rather, the gripping member itself is moved transversely into the battery receiving area or opening and a gripping member is cammed into place and is frictionally held by the friction member 102. Applicants believe that a combination of Lee and Wulff would not suggest a cam for moving a gripping member into frictional engagement as now claimed. With Applicants' claim amendment to claim 1,

Applicants believe that claim 1 is now patentably distinct from the new combination of Lee and Wulff.

With regards to pending claim 13, Applicants have added dependent claim 14, and as dependent claim 14 was objected to but as indicated as allowable, Applicants believe that rewritten claim 13 is also now allowable.

Applicants have amended claim 1 to include the limitation of a cam assembly together with the gripping member which is operatively connected to the cam assembly, the gripping member being movable transversely into and out of the housing opening by operation of the cam assembly, between a locked and unlocked position, for gripping a battery placed within the cavity.

Applicants have amended claim 13 to include the limitation that the gripping member is forced transversely into the battery in the locked position for frictionally gripping a battery placed within the cavity.

Given all of the amendments and remarks, Applicants believe that claims 1 and 3-13, and 15-23 are in condition for allowance and respectfully request early passage thereof.

If necessary to effect a timely response, please consider this paper a request for an extension of time, and charge any shortages in fees, or apply any overpayment credits, to Baker & Daniels' Deposit Account No. 02-0387 (72249.90053). However, please do not include the payment of issue fees.

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Respectfully submitted,

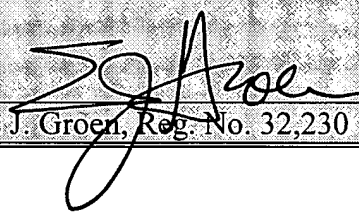


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